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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,831	09/26/2000	Gordon Wayne Dyer		4367

7590 04/29/2004

Gordon Wayne Dyer
19269 Babler Forest Road
Chesterfield, MO 63005

EXAMINER

HARAN, JOHN T

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/669,831

Applicant(s)

DYER, GORDON WAYNE

Examiner

John T. Haran

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-19, 21, 22, 34, 36, 37, and 40-49 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 and 34 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19, 21, 22, 37 and 43-49 is/are allowed.
- 6) ☒ Claim(s) 15, 17, 18, 36 and 40-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed on 1/5/04.

Specification

2. The substitute specification filed 1/5/04 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: there must be a statement that no new matter has been entered. Additionally a substitute specification should include the entire specification, minus the claims. In the filed substitute specification the Background section was improperly excluded.

Also as noted below, the substitute specification is objected to because it contains new matter by stating that the formed plastic is annealed. All references to annealing are new matter and should be removed before resubmitting a new substitute specification in accordance with 37 CFR 1.125 (b) and (c) as discussed above.

Claim Rejections - 35 USC § 112

3. Claims 15, 17, 18, 36, and 40-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 15, the step of "applying microwave radiation for a time effective to **anneal the formed plastic**, optically correct the formed plastic and optically contact the formed plastic to the formed glass." and in claim 40 the step of applying sealant "after the microwave radiation has **annealed the formed plastic**, optically corrected the formed

Art Unit: 1733

plastic and optically contacted the formed plastic to the formed glass" contains new matter that was not described in the specification at the time the application was filed. There is no mention in the specification of annealing the formed plastic. It is noted that as argued by Applicant in the response filed on 1/5/04, it is known in the art to anneal plastic, however there is no discussion of annealing the formed plastic or relieving internal stresses in the formed plastic to improve the optical clarity of the formed plastic in the original specification at the time the application was filed and such is new matter. One skilled in the art reading the specification as a whole, at the time the application was filed, would not have appreciated that applicant had possession of annealing the formed plastic. It is suggested to amend claims 15 and 40 to delete any reference to annealing.

It is noted that while the original specification never explicitly stated that the microwave radiation optically corrected the formed plastic, it did state that it improved the optical clarity of the formed plastic. One skilled in the art reading the specification as a whole would have appreciated that improving the optical clarity involved optically correcting the formed plastic and that applicant had possession of this at the time of filing the application. It is also noted that the original disclosure does not specifically state the glass and plastic are optically contacted using microwave radiation, however one skilled in the art reading the specification as a whole would have readily appreciated that the microwave radiation optically contacts the glass and plastic together and that applicant had possession of this at the time of filing the application.

Allowable Subject Matter

4. Claims 15, 17, 18, 36, and 40-42 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action as suggested above.
5. Claims 19, 21, 22, 37, and 43-49 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 15 and 45, the prior art of record fails to suggest a method of making a glass and plastic composite comprising a step of applying microwave radiation for a time effective to optically contact the formed plastic and formed glass. As noted in Applicant's arguments filed on 6/30/02 optical contacting is a term of art wherein two surfaces are adhered without the use of adhesive.

Regarding claims 19 and 45, the prior art of record fails to suggest a method of making a glass and plastic composite comprising a step of applying sealant only to a margin of the glass and a margin of the plastic whereby the center of the glass and the center of the plastic are devoid of sealant.

Kohan discloses a method for making plastic/glass laminates for use as an ophthalmic lens by adhering a wafer lens (plastic) to a base or stock lens (glass) (Column 1, lines 5-8). Both the glass lens and the plastic lens are formed to a particular shape with a center and a margin and the plastic lens is formed so the shape is adapted to the shape of the glass (See Figure 1). Adhesive is placed on the plastic lens, the glass lens is placed on top and the two are bonded under pressure with the use of

Art Unit: 1733

microwave energy to cure the adhesive and thereby affix the formed plastic and formed glass together (Column 14, lines 19-21). There is no suggestion of using microwave radiation to optically contact the glass and plastic together (bond without adhesive) or keep the center of the glass and plastic devoid of adhesive.

Response to Arguments

7. Applicant's arguments filed 1/5/04 regarding the new matter rejection have been fully considered but they are not persuasive.

As noted above there is no indication in the original specification that the formed plastic was annealed or relieved of internal stresses to increase the optical clarity.

Conclusion

8. In summary this application contains allowable subject matter and will be allowed if the following amendments are made:

1. Resubmit the substitute specification in accordance with 37 CFR 1.125(b) and (c) making sure to remove all references to annealing, asserting that no new matter is added, and providing a clean and marked up version of the entire substitute specification, including the background section.

2. Amend claim 15 to delete the phrase "anneal the formed plastic".

3. Amend claim 40 to delete the phrase "annealed the formed plastic."

It is additionally noted that an after final amendment containing the above mentioned changes will be entered.

Art Unit: 1733

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

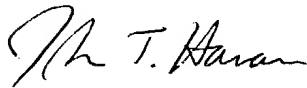
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John T. Haran** whose telephone number is **(571) 272-1217**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

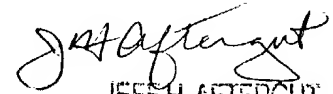
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1733

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John T. Haran



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